



2188

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Dias et al. ) Art Unit: 2188  
Serial No.: 09/551,745 ) Examiner: Namazi  
Filed: April 18, 2000 ) AM9-98-080C  
For: REL-TIME SHARED DISK SYSTEM FOR ) October 7, 2003  
COMPUTER CLUSTERS ) 750 B STREET, Suite 3120  
San Diego, CA 92101

TRANSMITTAL FOR RESPONSE TO OFFICE ACTION

Commissioner For Patents and Trademarks  
Alexandria, VA 22313

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OCT 20 2003

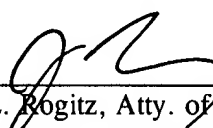
Technology Center 2100

Dear Sir:

In response to the Office Action dated September 30, 2003, enclosed herewith are the following:

- (1) A response to Office Action in 2 pages;
- (2) An acknowledgment postcard.

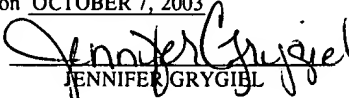
Respectfully submitted,

  
John L. Rogitz, Atty. of Record, Reg. No. 33,549  
750 "B" Street, Suite 3120, San Diego, CA 92101  
Telephone: (619) 338-8075

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on OCTOBER 7, 2003

Date Signed: OCTOBER 7, 2003

  
JENNIFER GRYGIER

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dias et al.	)	Art Unit: 2188
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Serial No.: 09/551,745	)	Examiner: Namazi
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Filed: April 18, 2000	)	AM9-98-080C
	)	
For: REAL-TIME SHARED DISK SYSTEM FOR	)	October 6, 2003
COMPUTER CLUSTERS	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks  
Washington, DC 20231

RECEIVED  
OCT 20 2003  
Technology Center 2100

Dear Sir:

This responds to the Office Action dated September 20, 2003, alleging that the claims are unpatentable under 35 U.S.C. §103 because it would have been obvious to modify Harney's data request ordering scheme based on the bandwidth requirements of various data types with Chen's deadline-based system.

First, Chen is directed to a single-disk controller; there is no teaching or suggestion in Chen that it is scalable to a multi-storage system. Second and more fundamentally, gutting Harney's bandwidth-based ordering logic and replacing it with Chen's deadline-based system would defeat the purpose of Harney, because then Harney would service requests based on deadlines and not based on responding intelligently to requests based on the bandwidth requirements of particular data types. Since the Office Action admits that Harney does not teach the use of deadlines to order I/O requests, much less how they might be integrated with its bandwidth-based scheme, a purpose, indeed, the principal purpose, of Harney, would be defeated,


CASE NO.: AM9-98-080C  
Serial No.: 09/551,745  
October 6, 2003  
Page 2

PATENT  
Filed: April 18, 2000

rendering the *prima facie* case improper under MPEP §2143.01 (a proposed modification cannot render a reference unsatisfactory for its intended purpose, citing In re Gordon).

The examiner is cordially invited to telephone the undersigned for any reason that would advance the present application to allowance.

Respectfully submitted,



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JLR:jg